

Appl. No. 09/768,130
Amdt. Dated October 25, 2004
Reply to Office Action of August 23, 2004

Attorney Docket No. 81942.0008
Customer No.: 26021

Remarks/Arguments

Reconsideration of this application is requested.

Claim Status

Claims 1-7 were originally pending in this application. Claim 5 is amended. Claims 1-4 and 6-7 are cancelled, without prejudice. Claim 8 is added. Hence, after entry of this amendment, Claims 5 and 8 are pending.

Claim Rejections – 35 USC 101

Claim 7 is rejected under 35 USC §101 because the claimed invention is directed to non-statutory subject matter. This rejection is moot in view of cancellation of this claim.

Claim Objection

Claim 3 is objected to for informalities. This objection is moot in view of cancellation of this claim.

Claim Rejections – 35 USC 112

Claim 2 is rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. This rejection is moot in view of cancellation of this claim.

Claim Rejections – 35 USC 102(e)

Claims 1-4 and 6-7 are rejected under 35 USC §102(e) as being anticipated by Iwamura (USPN 5,966,449). This rejection is moot in view of cancellation of these claims.

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Allowable Subject Matter

Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. In response, Claim 5 is amended to include the limitations of base Claim 4 and is thus in form for allowance. The objection of Claim 5 is moot in view of the amendment presented herein.

New Claim

New Claim 8 is added to further highlight the patentable subject matter of Claim 5. Consideration of this new claim is requested.


Conclusion

This application is now believed to be in form for allowance. The examiner is invited to telephone the undersigned to resolve any issues that remain after entry of this amendment. Any fees due with this response may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

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By: _____


Troy M. Schmelzer
Registration No. 36,667
Attorney for Applicant(s)

500 South Grand Avenue, Suite 1900
Los Angeles, California 90071
Phone: 213-337-6700
Fax: 213-337-6701